

Appl. No.: 10/582,320
Amdt. Dated: April 27, 2009
Reply to Office Action of January 28, 2009

REMARKS

Claims 1 – 73 were originally filed in the present application. Claims 23 and 31 were previously canceled. As no new claims have been added, Claims 1 – 22, 24 – 30 and 32 – 73 remain pending and at issue. Of the claims remaining, the Examiner alleges that all are anticipated under 35 U.S.C. 102(b) by Japanese patent reference JP08322449-A to OTSUKI. The Applicant respectfully disagrees and requests reconsideration of all claims in light of the following arguments.

OTSUKI describes a *container van* which is *partitioned internally* by a partition wall to create a gas control chamber (9) and a product housing chamber, or an agricultural produce storage room (10). The product housing chamber (10) is arranged to be airtight using a scaling membrane (4). Inside the gas control chamber (9), there is equipment for circulating CO₂ gas through a flow channel (13) so as to feed the CO₂ to the product housing chamber (10). The OTSUKI patent is directed to killing insects by suffocation using CO₂.

In contrast, the present invention relates to a method of removing a residual gas from inside a *conventional shipping container*. The Applicant believes that a container van does not fall within the scope of a *conventional shipping container*. Nor does the present application call for the partitioning by a partition wall of the container van. Claim 1 of the present application, for example, has the feature of *accessing the container door via an end door opening of the container and extracting at least some of the residual gas present in the container via the end door opening*. This is neither disclosed nor suggested by OTSUKI. In Claim 10, for example, a *panel is operatively coupled to the container at the end door opening for removal of the flushing gas and the residual gas from the container*.

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OTSUKI discloses something completely different than the flushing of a residual gas. OTSUKI does not disclose extracting the residual gas via the end door opening of a container, but rather the well known art of circulating CO₂ gas. CO₂ gas enters the product room storage (10) through a perforated plate (5) and (6) made of punched metal which is arranged in the ceiling and floor of the agricultural products storage room (10) – not through an end door opening of the container as in the present application.

In relation to claim 24, this claim has the feature of *a gas inlet for operative coupling to the panel for extracting gas from the enclosure*. OTSUKI does not disclose this, but rather the inlet is arranged in the floor or ceiling of the container van, not a panel. Similarly, OTSUKI does not disclose *gas extraction apparatus for operative coupling to the panel for extracting gas from the enclosure*.

In relation to claim 28 of the present application, OTSUKI does not disclose a member that has a coupled and a decoupled position, for example with respect to an opening of a container, the member comprising an inlet and a port.

For at least these reasons, we are of the view that all the claims of the present application are novel and inventive in light of OTSUKI.

Reconsideration of the rejections, in light of the aforesaid amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the application into a proper condition for allowance.

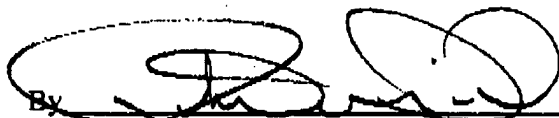
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CONCLUSION

Claims 1 – 22, 24 – 30 and 32 – 73 are pending and at issue. No amendments have been made to the claims. Applicant contends that all pending claims are in condition for allowance. Notice to that effect is earnestly sought. Accordingly, reconsideration of the pending claims is respectfully requested.

Should any formalities remain which can be corrected by Examiner's amendment, Applicant requests that the undersigned be contacted by phone in order to expedite the prosecution of the present case.

Respectfully submitted,

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